

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 19-1804V
UNPUBLISHED

CONNIE SUZANN MUNDINGER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 1, 2021

Special Processing Unit (SPU);
Ruling on Entitlement; Prior Findings
of Fact; Concession; Table Injury;
Influenza (Flu); Shoulder Injury
Related to Vaccine Administration
(SIRVA).

Robert David Proffitt, Proffitt & Cox, LLP, Columbia, SC, for Petitioner.

Althea Walker Davis, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On November 25, 2019, Connie Suzann Mundinger filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleged that she suffered a left shoulder injury related to vaccine administration (“SIRVA”) as a result of the influenza (“flu”) vaccine administered on October 6, 2018. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters. On June 17, 2021, I issued Findings of Fact and Conclusions of Law that “more likely than not... the vaccine alleged as causal in this case was administered in Petitioner’s left arm on October 6, 2021.” ECF No. 40 at 5.

¹ Because this unpublished opinion contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the opinion will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioners have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On September 30, 2021, Respondent filed his Rule 4(c) report in which he **concedes** that Petitioners are entitled to compensation in this case. Respondent's Rule 4(c) Report (ECF No. 46) at 2. Specifically, Respondent recognizes my factual finding regarding the site of vaccine administration and he concludes that Petitioner has otherwise satisfied the criteria set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation for SIRVA. *Id.* (citing 42 C.F.R. §§ 100.3(a)(XIV) and (c)(10)).

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master